

REMARKS

The office action of April 7, 2008 (the Office Action) has been reviewed and these remarks are responsive thereto. Claims 14-27, 37-40 and 49-55 are pending in this application. By this amendment, claims 14, 19-24, 26, 27, 37-40 and 49-55 have been amended to place the application in condition for allowance. Reconsideration and allowance of the instant application are respectfully requested.

Examiner Interview

Applicants thank Examiner Bautista for the courtesies extended to the undersigned during the telephone interviews of May 20, 28 and 29, 2008. During the interviews, the pending claims were generally discussed with particular reference to independent claims 14, 19 and 53 and subject matter recited therein pertaining to the term "window," the recitation of a "computer-readable medium" in claims 19-23 and 37-40, and the 35 U.S.C. §112 rejections to claims 49-52, 54 and 55. Potential claim amendments were also discussed for these claims.

Accordingly, Applicants have amended claims 14, 19-24, 26, 27, 37-40 and 49-55 as agreed to overcome the outstanding rejections and place the application in condition for allowance.

Allowable Subject Matter

Applicants appreciate the Examiner's indication of allowable subject matter in claims 14-27, 37-40 and 49-55 if rewritten to include the subject matter of the draft amendment sent to the examiner on March 21, 2008, and to include the examiner's suggested changes. Claims 14, 19-24, 26, 27, 37-40 and 49-55 have been amended based on the draft amendment sent to the examiner on March 21, 2008, and based on changes agreed to in principle during the above-noted telephonic interviews with the examiner.

Accordingly, Applicants respectfully submit that independent claims 14, 19 and 53, as well as claims 15-18, 20-27, 37-40, 49-52, 54 and 55 depending therefrom, are allowable over the prior art of record.

Objections to the Specification

The Office Action objects to the Specification for allegedly failing to provide proper antecedent basis for the claimed subject matter of a “computer-readable medium” of claims 19-23 and 37-40. Claims 19-23 and 37-40 have been amended to recite a computing apparatus as agreed during the telephone interviews, which obviates these objections to the specification.

Accordingly, Applicants respectfully request reconsideration and withdrawal of these objections.

Rejections under 35 U.S.C. §112

Claims 49, 50, 51, 52, 54 and 55 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

As noted above, dependent claims 49-52, 54 and 55 have been amended to clarify the claimed subject matter as agreed during the telephone interviews. Accordingly, Applicants respectfully request reconsideration and withdrawal of these rejections.

Rejections under 35 U.S.C. § 103

Claims 14-27, 37-40 and 49-55 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. patent no. 6,058,379 to Odom et al. (Odom) in view of U.S. patent publication no. 2002/0049833 to Kikinis (Kikinis).

Independent claims 14, 19 and 53 each recite subject matter pertaining to recognizing first transmission and reception capabilities of a first client device with an apparatus, computing apparatus or server, and recognizing second transmission and reception capabilities of a second client device with the apparatus, computing apparatus, or server, as well as to configuring the real-time interactive content according to the first and second transmission and reception capabilities to ensure the first and second client devices each have an adequate time window during which a submitted response to the real-time interactive content will be considered valid. At least this subject matter as recited in independent claims 14, 19 and 53 is not taught or suggested by the cited prior art.

The Office Action asserts, “Kikinis teaches that the translation of the web page and its transmission is in accordance to the capabilities of the client device.” Office Action, page 4, lines 8-9. However, the Office Action does not assert, and Kikinis fails to disclose, the claimed subject matter pertaining to recognizing first and second transmission and reception capabilities with an apparatus, computer apparatus or server of first and second client devices and to configuring real-time interactive content according to the first and second capabilities to ensure the first and second devices each have an adequate time window during which a submitted response to the real-time interactive content will be considered valid.

In contrast, rather than teaching recognition of device capabilities with a server, Kikinis teaches that either the user must identify the type and functionality of the client device, which is matched to the user’s log-in ID, or the “user’s device transfers the list of available features to the enhanced server.” Kikinis, page 9, paragraph 108, lines 7-8. In other words, Kikinis teaches that the user pre-identifies the functionality of the client device, which is tied to his log-in ID, or the user’s device must identify its functionality to the enhanced server of Kikinis.

Further, Kikinis teaches providing data in “a reduced-content form adapted specifically to the client device.” Abstract. However, Kikinis fails to teach the inventive subject matter pertaining to configuring real-time interactive content according to transmission and reception capabilities with an apparatus, computing apparatus or server of first and second devices to ensure the first and second devices each have an adequate time window during which a submitted response to the real-time interactive content will be considered valid, as recited in independent claims 14, 19 and 53.

Odum does not overcome these deficiencies of Kikinis nor was it relied upon to do so.

For at least these reasons, Applicants respectfully submit that independent claims 14, 19 and 53, as well as claims 15-18, 20-27, 37-40, 49-52, 54 and 55 depending therefrom, are allowable over the prior art of record.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By: /Anthony W. Kandare/
Anthony W. Kandare, reg. no. 48,830

1100 13th Street, N.W.
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001